

AMENDED IN ASSEMBLY JULY 6, 2005

AMENDED IN SENATE APRIL 19, 2005

**SENATE BILL**

**No. 878**

**Introduced by Senator Dunn**

February 22, 2005

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An act to amend Section 17510.3 of the Business and Professions Code, relating to charitable solicitations.

LEGISLATIVE COUNSEL'S DIGEST

SB 878, as amended, Dunn. Charitable solicitation disclosures.

Existing law requires certain disclosures to be made prior to any solicitation or sales solicitation for charitable purposes.

This bill would revise the requirements for these disclosures, including deleting provisions requiring disclosure of the percentage of the amount collected that is used for charitable purposes.

Vote: majority. Appropriation: no. Fiscal committee: no.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

1     SECTION 1. Section 17510.3 of the Business and  
2     Professions Code is amended to read:  
3     17510.3. (a) Prior to any solicitation or sales solicitation for  
4     charitable purposes, the solicitor or seller shall exhibit to the  
5     prospective donor or purchaser a card entitled "Solicitation or  
6     Sale for Charitable Purposes Card." The card shall be signed and  
7     dated under penalty of perjury by an individual who is a  
8     principal, staff member, or officer of the soliciting organization.  
9     The card shall give the name and address of the soliciting  
10    organization or the person who signed the card and the name and

1 business address of the paid individual who is doing the actual  
2 soliciting.

3 In lieu of exhibiting a card, the solicitor or seller may distribute  
4 during the course of the solicitation any printed material, ~~the~~ such  
5 as a solicitation brochure, provided the material complies with  
6 the standards set forth below, and provided that the solicitor or  
7 seller informs the prospective donor or purchaser that the  
8 information as required below is contained in the printed  
9 material.

10 Information on the card or printed material shall be presented  
11 in at least 10-point type and shall include the following:

12 (1) The name and address of the combined campaign, each  
13 organization, or fund on behalf of which all or any part of the  
14 money collected will be utilized for charitable purposes.

15 (2) If there is no organization or fund, the manner in which the  
16 money collected will be utilized for charitable purposes.

17 (3) The non-tax-exempt status of the organization or fund, if  
18 the organization or fund for which the money or funds are being  
19 solicited does not have a charitable tax exemption under both  
20 federal and state law.

21 (4) The percentage of the total gift or purchase price which  
22 may be deducted as a charitable contribution under both federal  
23 and state law. If no portion is so deductible the card shall state  
24 that "This contribution is not tax deductible."

25 (5) If the organization making the solicitation represents any  
26 nongovernmental organization by any name which includes, but  
27 is not limited to, the term "officer," "peace officer," "police,"  
28 "law enforcement," "reserve officer," "deputy," "California  
29 Highway Patrol," "Highway Patrol," "deputy sheriff," "  
30 firefighter," or "fire marshall," which would reasonably be  
31 understood to imply that the organization is composed of law  
32 enforcement or firefighting personnel, the solicitor shall give the  
33 total number of members in the organization and the number of  
34 members working or living within the county where the  
35 solicitation is being made, and if the solicitation is for  
36 advertising, the statewide circulation of the publication in which  
37 the solicited ad will appear.

38 (6) If the organization making the solicitation represents any  
39 nongovernmental organization by any name which includes, but  
40 is not limited to, the term "veteran" or "veterans," which would

1 reasonably be understood to imply that the organization is  
2 composed of veterans, the solicitor shall give the total number of  
3 members in the organization and the number of members  
4 working or living within the county where the solicitation is  
5 being made. This paragraph does not apply to federally chartered  
6 or state incorporated veterans' organizations with 200 or more  
7 dues paying members or to a thrift store operated or controlled by  
8 a federally chartered or state incorporated veterans' organization.  
9 This paragraph does not apply to any state incorporated  
10 community-based organization that provides direct services to  
11 veterans and their families and qualifies as a tax-exempt  
12 organization under Section 501(c)(3) or 501(c)(19) of the  
13 Internal Revenue Code and Section 23701d of the Revenue and  
14 Taxation Code.

15 (b) Knowing and willful noncompliance by any individual  
16 volunteer who receives no compensation of any type from or in  
17 connection with a solicitation by any charitable organization  
18 shall subject the solicitor or seller to the penalties of the law.

19 (c) When the solicitation is not a sales solicitation, any  
20 individual volunteer who receives no compensation of any type  
21 from, or in connection with, a solicitation by any charitable  
22 organization may comply with the disclosure provisions by  
23 providing the name and address of the charitable organization on  
24 behalf of which all or any part of the money collected will be  
25 utilized for charitable purposes, by stating the charitable purposes  
26 for which the solicitation is made, and by stating to the person  
27 solicited that information about revenues and expenses of the  
28 organization, including its administration and fundraising costs,  
29 may be obtained by contacting the organization's office at the  
30 address disclosed. The organization shall provide this  
31 information to the person solicited within seven days after receipt  
32 of the request.

33 (d) A volunteer who receives no compensation of any type  
34 from, or in connection with, a solicitation or sales solicitation by  
35 a charitable organization which has qualified for a tax exemption  
36 under Section 501(c)(3) of the Internal Revenue Code of 1954,  
37 and who is 18 years of age or younger, is not required to make  
38 any disclosures pursuant to this section.

39 (e) If any provision of this section or the application thereof to  
40 any person or circumstances is held invalid, that invalidity shall

- 1 not affect other provisions or applications of this section which
- 2 can be given effect without the invalid provision or application,
- 3 and to this end the provisions of this section are severable.

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